

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
V.)	Doc. No 13-CR-10238-DPW
)	
ROBEL KIDANE PHILLIPOS)	
_____)	

MOTION TO CONTINUE SENTENCING HEARING

Now comes Robel Phillipos, the Defendant in the above-referenced case, and moves this honorable Court to continue his sentencing hearing currently scheduled for February 9, 2015. In support of this Motion the Defendant sates as follows:

1. On October 28, 2014, the Defendant was found guilty of two counts of violating 18 U.S.C. § 1001(a)(2). The Defendant subsequently filed a Motion for Acquittal and Motion for New Trial on December 9, 2014. The Government filed its opposition to this Motion on January 16, 2015.
2. The Sentencing Hearing is currently scheduled for February 9, 2015. The Defendant's sentencing memorandum is currently due on Monday February 2, 2015. However, Defendant's counsel have been out of the country since January 15, 2015 and will remain out of the country until January 31, 2015. While traveling, Defendant's counsel have had limited internet access which has hindered their ability to draft their sentencing memorandum. Because of this, defendant's counsel require additional time to prepare for the sentencing hearing.
3. Further, prior to sentencing Mr. Phillipos, this court should have the benefit of sentencing Mr. Tazhayakov and Mr. Kadyrbayev, the co-defendants in this case. Mr. Tazhayakov and

Mr. Kadyrbayev were the primary actors in this case. Indeed, Mr. Phillipos' charges stem from the fact that he was present while Mr. Tazhayakov and Mr. Kadyrbayev were removing items from Mr. Tsarnaev's dorm room. As such, this Court should have the benefit of their sentences prior to sentencing Mr. Phillipos to ensure proper parity.

4. Moreover, there remains an open question of whether Mr. Kadyrbayev and Mr. Tazhayakov actually engaged in obstruction of justice. The Court is currently waiting for the Supreme Court to issue its decision in *United States v. Yates* (S.Ct. 13-7451) which will clarify this issue. This is relevant to Mr. Phillipos' case because the decision will add context to Mr. Phillipos' false statements. It may be relevant whether his false statements related to individuals engaged in obstruction of justice or were simply misstatements of what he had done on the evening of April 18, 2014.

Wherefore, the Defendant requests the Court to continue his sentencing hearing currently scheduled for February 9, 2015.

Respectfully submitted,
Robel Phillipos
by his attorney

/s/ Derege B. Demissie

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Dated: January 23, 2015

CERTIFICATE OF SERVICE

I hereby certify that this Motion to Continue, which has been filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non registered participants.

/s/ Derege B. Demissie

Derege Demissie